

July 21, 2005

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Transportation File No. **V-2481**  
Proposed Ordinance no. **2005-0238**

**ARTHUR AND YURINO KAKU**  
Road Vacation Petition

Location: Alley in the Plat of Whitwoods 1st Addition

Petitioner: **Arthur and Yurino Kaku**  
1038 Southwest 118th Street  
Seattle, Washington 98146  
Telephone: (206) 242-2939

King County: Department of Transportation, Road Services Division, *represented by*  
**Nicole Keller**  
201 S. Jackson Street  
Seattle, Washington 98104-3856  
Telephone: (206) 296-6522  
Facsimile: (206) 296-0567

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2481 was received by the Examiner on July 14, 2005.

**PUBLIC HEARING:**

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2481 was opened by the Examiner at 1:30 p.m., July 20, 2005, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, Seattle, WA 98104, and closed at 1:34. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information:

Road name and location:	Alley in the Plat of Whitwoods 1st Addition
Right of way classification:	C
Area:	480 square feet
Compensation:	\$1,495.20

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the July 20, 2005, public hearing and the statement of facts contained in Proposed Ordinance No. 2005-0238. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 6 and 7.

**CONCLUSIONS:**

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

**RECOMMENDATION:**

APPROVE proposed Ordinance No. 2005-0238 to vacate the subject road.

RECOMMENDED this 21st day of July, 2005.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 21st day of July, 2005, to the following parties and interested persons:

Comcast  
Attn: Kermit Benson  
410 Valley Ave. NW, Bldg. C-  
Puyallup WA 98371

Don Dauphiny  
Qwest Communications  
1550 Newport Way NW  
Issaquah WA 98027

Arthur & Yurino Kaku  
1038 SW 118th St.  
Seattle WA 98146

Puget Sound Energy  
ATTN: Judy McCollum  
411 - 108th Ave. NE  
Bellevue WA 98009-9734

Southwest Suburban Sewer  
431 SW Ambaum Blvd.  
Burien WA 98166

Lionel Sun  
Seattle Public Util., Eng. Div.  
PO Box 34018  
Seattle WA 98124-4018

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

Neil DeGoojer  
DNRP/WLRD  
MS KSC-NR-0600

Sarah Gagnon  
DNRP - Wastewater Trtmt.  
MS KSC-NR-0503

Nancy Gordon  
KCDOT/D&C  
MS KSC-TR-0431

David Gualtieri  
KCDOT/CIP & Planning  
MS KSC-TR-0317

Denise Hauck  
KC Dept. of Exec. Svcs.  
MS ADM-ES-0500

Bill Hintz  
King Co. Dept. of  
MS RSD-TR-0100

Nicole Keller  
Vacations Engineer  
Engineering Services Section  
MS KSC-TR-0231

Kristen Langley  
KC-DOT/RSD  
MS KSC-TR-0222

Tom Lew  
KC DNRP/WLRD  
MS KSC-NR-0600

Paulette Norman  
KCDOT/RD SERV.  
MS KSC-TR-0231

Robert Nunnenkamp  
KC Parks & Recreation  
MS KSC-NR-0700

Lydia Reynolds-Jones  
KC DOT/RD SERV.  
MS KSC-TR-0231

Charlie Sundberg  
BR&ED  
Historic Preserv. Prog.  
MS KCC-EX-0402

Kelly Whiting  
KC Rd. Svcs. Unit  
MS KSC-TR-0231

**NOTICE OF RIGHT TO APPEAL**  
**AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of

Finance) *on or before August 4, 2005*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before August 11, 2005*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

#### MINUTES OF THE JULY 20, 2005, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION ROAD SERVICES DIVISION FILE NO. V-2481.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller and Kelly Whiting, representing the Department.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Transportation staff report for July 21, 2005
- Exhibit No. 2 Petition transmittal letter from Anne Noris dated July 30, 2003 to DOT, received August 4, 2003
- Exhibit No. 3 Petition for Vacation of a County Road received July 30, 2003 including legal descriptions of Petitioner's properties and map attached
- Exhibit No. 4 Copy of filing fee, check #1288 from petitioners
- Exhibit No. 5 Vicinity Map, Thomas Brothers, page 624
- Exhibit No. 6 Plat map of Whitwoods 1st Addition to the City of Seattle
- Exhibit No. 7 Map depicting vacation area
- Exhibit No. 8 Compensation deposit receipt dated August 23, 2004
- Exhibit No. 9 Letter to Arthur & Yurino Kaku from the Department of Transportation dated August 14, 2004 requesting compensation
- Exhibit No. 10 Compensation Worksheet
- Exhibit No. 11 Fiscal Note
- Exhibit No. 12 Ordinance transmittal letter dated May 19, 2005 to Councilmember Larry Phillips from King County Executive Ron Sims

Exhibit No. 13	Proposed Ordinance 2005-0238
Exhibit No. 14	Notice of Hearing
Exhibit No. 15	Affidavit of posting dated June 20, 2005
Exhibit No. 16	Transmittal letter dated August 6, 2004 to the Clerk of the Council
Exhibit No. 17	Affidavit of Publication for date of hearing ( <i>To be marked upon submission</i> )

SLS:gao

V-2481 RPT